

JUDGE PHILIP MARTINEZ

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

2015 MAR 25 PM 12:28

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: 

JPM/PTV

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENISE DUCHENE (3),

Defendant.

§
§
§
§
§
§
§
§SEALED

CRIMINAL NO. EP-15-CR-_____

EP 15 CR 0416GOVERNMENT'S MOTION TO SEAL INDICTMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the United States of America, by and through the Acting United States Attorney for the Western District of Texas, and files this, its Motion to Seal the Indictment as to the above named defendant in the above numbered cause and would show the Court as follows:

I.

On **March 25, 2015**, the Grand Jury returned a True Bill of Indictment, charging the above named defendant in the above numbered cause. Not all defendants named in the indictment have been apprehended. The disclosure of the existence of the indictment would seriously jeopardize the ability of law enforcement officers to locate the defendants and apprehend them without incident. The government therefore seeks an Order of the Court placing the indictment and related documents concerning the above named defendant in the above numbered cause under seal, until the Defendant is arrested. When the Defendant is arrested, the Indictment and related documents will be unsealed.

The government acknowledges that any defendant who is arrested must be provided a copy of the indictment at the time of his initial appearance (pursuant to Rule 5, Fed.R.Crim.P.). Those previously afforded an initial appearance will be provided a copy of the indictment at arraignment (pursuant to Rule 10, Fed. R. Crim. P.). The government would show that the interests of justice would be served by providing to each defendant a copy of the indictment which includes only the name of that particular defendant and other defendants previously informed of the charges through hearing conducted pursuant to Rule 5 or Rule 10.

To assist in this process, the government will provide to the Clerk's Office a copy of the indictment which has been redacted in a manner to omit names of any defendants who have not yet been officially informed of the charges. The government requests that the Clerk be directed to provide the government with notice of the setting of each Rule 5 or Rule 10 hearing, the government will prepare and deliver to the clerk a redacted copy of the indictment.


Accordingly, the United States respectfully requests this Court to order that the indictment, warrant for the defendant's arrest, and documents relating to this indictment concerning the above named defendant in the above numbered cause **remain sealed until the defendant is arrested**; provided, however, that a redacted copy of the indictment shall be delivered to the above named defendant at the time of such defendant's initial appearance (conducted pursuant to Rule 5, Fed.R.Crim.P.), or arraignment (conducted pursuant to Rule 10, Fed.R.Crim.P.), whichever is applicable. The United States further requests that the court permit the government to redact such copy of the indictment in a manner that will not disclose the names of defendants who have not yet been informed of the charges through Rule 5 or Rule 10 hearing. The redacted copy need include only those counts which name defendants who have

been arrested and informed of the charges against them. The United States further requests that this motion and the Court's Order be sealed until further order of the Court or until the defendant is arrested.

Respectfully submitted,

RICHARD L. DURBIN, JR.
ACTING UNITED STATES ATTORNEY

By:



ADRIAN E. GALLEGOS
Assistant U.S. Attorney
Texas Bar #24042413
700 E. San Antonio, Suite 200
El Paso, Texas 79901
(915) 534-6884